

## Minutes of the County Commissioners of Worcester County, Maryland

July 5, 2022

Joseph M. Mitrecic, President  
Theodore J. Elder, Vice President  
Anthony W. Bertino, Jr.  
Madison J. Bunting, Jr.  
James C. Church  
Joshua C. Nordstrom  
Diana Purnell

Following a motion by Commissioner Nordstrom, seconded by Commissioner Elder, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Weston Young, Deputy Chief Administrative Officer Joe Parker, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, State's Attorney Kris Heiser, and Brett Davis of KW Commercial. Topics discussed and actions taken included the following: hiring Nicholas Rice as the procurement officer within County Administration and certain personnel matters receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:57 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Reverend Dale Brown of the Community Church of Ocean Pines and pledge of allegiance, announced the topics discussed during the morning closed session.

The commissioners reviewed and approved the open and closed session minutes of their June 21, 2022 meeting as presented.

The commissioners presented a proclamation recognizing July as National Park and Recreation Month to Worcester County Recreation and Parks (WCRP) Director Kelly Rados and others and encouraged those in attendance to learn more about county parks by visiting <https://worcesterrecandparks.org> and to get out, get active, and enjoy nature with WCRP.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved by consent agenda item numbers 2-12, with the exception of item numbers 4 and 11, as follows: accepting FY23 Waterway Improvement Grants of \$250,000 for the South Point bulkhead project (Assateague side) and \$50,000 for the Public Landing retaining wall and riprap; adopting the Findings of Fact and Resolution for the amended Step 1 residential planned community

application for Triple Crown Estates; adopting the Findings of Fact and Rezoning Resolution No. 434 to rezone 105.12 acres of land identified on Tax Map 40 as Parcel 180 from A-1 Agricultural District to A-2 Agricultural District; approving out-of-state travel for Public Information Officer Kim Moses to attend the 2022 National Information Officers Association Conference in Clearwater, Florida and for County Attorney Roscoe Leslie to attend the International Municipal Lawyers Association (IMLA) annual conference; scheduling a public hearing on August 2, 2022 to consider 11 applications to sell easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY23; submitting a letter of support with an application for a National Wildlife Federation Foundation (NFFF) America the Beautiful Challenge Grant to restore coastal marsh sites; brokering a new agreement for Worcester County Recreation Center Solar Energy Renewable Credits with Solsystem, Inc.

Pursuant to the request of Sheriff's Office Lieutenant Robert Trautman and upon a motion by Commissioner Bertino, the commissioners unanimously authorized the Sheriff's Office to apply for an FY23 Police Accountability, Community, and Transparency Grant of \$379,904, with funds to help cover the cost of implementing the body-worn camera project in the Sheriff's Office. In response to questions by Commissioner Bertino, Lt. Trautman advised that the Sheriff's Office budget includes funds in the FY23 budget that will cover implementation costs in the event that they are not awarded these funds.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Bertino, the commissioners unanimously approved bid specifications to purchase vehicles for use by various departments, as approved in the FY23 budget.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Bertino, the commissioners unanimously accepted the proposal from Value Carpet One under the Sourcewell Contract pricing for phase II of a project in the Courthouse to replace carpet at a cost of \$31,412.30 and wooden base trim and paint at a cost of \$9,500. FY23 funding is available for this project.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Elder, the commissioners unanimously accepted the proposal from John Deere under the Maryland State Contract to purchase a 2022 cab tractor at \$111,155.25, with a boom attachment at \$108,273.41, for a total cost of \$219,428.66. FY23 funding is available for this project.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Bertino, the commissioners unanimously approved the lease of a 2023 Caterpillar skid steer with attachments at a finance price of \$98,935, with a monthly lease cost of \$1,889.02 for 60 months/500 hours for a total cost of \$113,222.20. FY23 funding is available to lease this equipment.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Elder, the commissioners unanimously agreed to waive the standard bid process and accept the quoted paving price of \$95.50 per ton without mobilization, and at an additional cost of \$2.50 per ton with mobilization if needed from Allan Myers to pave 11.45 miles of County roads identified in the FY23 budget. Because fluctuating fuel costs impact the price of asphalt, Mr. Baker suggested

this course of action to lock in current pricing with Allen Myers professionals who are currently on-site completing FY22 County roadway paving projects. He advised that the prior year the County was paying \$75 per ton, while this year some jurisdictions are paying \$110 per ton due to cost fluctuations.

Pursuant to the recommendation of County Attorney Roscoe Leslie and upon a motion by Commissioner Elder, the commissioners unanimously authorized Commission President Mitrecic to sign a Tax Collection Agreement between AirBNB and the County Commissioners. Mr. Leslie stated that this is a standard agreement issued by AirBNB, which is preparing to comply with recent changes to the County Code for hotel rental tax collection, and this agreement will facilitate the collection of tax revenues.

Emergency Services Deputy Director James Hamilton met with the commissioners to review the sole bid of \$610,236 to replace the communications shelter located at the base of the Snow Hill water tank. Mr. Hamilton advised that there will also be an additional cost of approximately \$75,000 to complete work outside the scope of the bid documents. He explained that the cause behind project costs exceeding the \$400,000 budgeted to replace this critical piece of infrastructure are due to fluctuating materials and labor costs.

Following some discussion and upon a motion by Commissioner Bertino, the commissioners unanimously accepted the sole bid for the communications shelter replacement project.

Tourism and Economic Development Director Melanie Pursel met with the commissioners to discuss potential economic development projects to include in an application for Rural Maryland Economic Development Fund grant monies totaling up to \$10 million. Ms. Pursel explained that each of the rural regional councils in the State, to include the Tri-County Council (TCC) of the Lower Eastern Shore, are eligible to receive these funds, which may only be used to help fund economic development projects that stimulate activity, private investment, and job growth, and the TCC has asked Somerset, Wicomico, and Worcester Counties each to submit priority projects totaling up to \$3.2 million to include in the TCC's grant application. She then reviewed the list of potential County projects, which include a Countywide and Ocean City indoor/outdoor sports complex, Main Street connectivity plan, dredging of the West Ocean City commercial harbor, Pathways for Economic Development feasibility study, Town of Berlin Wastewater Treatment Plant upgrade, and Snow Hill Bikeways project.

The commissioners discussed the existing list and other potential projects that could be submitted for inclusion in the TCC grant application. In response to questions by Commissioner Nordstrom regarding using the funds to run broadband fiber down MD Rt. 12 to support residential and commercial development, Chief Administrative Officer Weston Young advised that the County would be required to maintain ownership of the fiber. Information Technology Director Brian Jones advised that the County may be able to lease the fiber. Commissioner Elder stated that there are little villages in all areas of the County that could benefit from such a backbone project. Commissioner Bertino stated that Government should not be in business, the County lacks the expertise and resources to own a fiber backbone, and they should look at other projects. Commissioner Bunting stated that the list is inadequate and should be expanded to include multiple smaller projects as well.

Following some discussion the commissioners directed Ms. Pursel to update the project list to include small projects that support economic growth and to eliminate broadband projects, with the commissioners to review the revised list on August 2.

The commissioners recessed for 10 minutes.

Following the June 21 public hearing on how to spend \$10,154,000 in American Rescue Plan Act (ARPA) funds allocated to Worcester County, the commissioners conducted a work session to finalize plans to disburse the funds. Mr. Young provided an overview of ARPA funding, noting that the commissioners have obligated funds of \$3,487,000 to the Lewis Road sewer project, Maryland Broadband Cooperative, Talkie Grant Match, and Riddle Farm Wastewater Treatment Plant, which leaves \$6,667,000 to be designated. He further stated that the commissioners had voted to give one-time funding to County fire and EMS companies for one-time capital equipment expenses and to allocate the remaining funds to broadband. He stated that once the commissioners allocate a dollar amount toward broadband, staff will contact the three broadband vendors that are actively working to extend broadband to the unserved and underserved areas in the County – Bay County Communications, Choptank Fiber, and Talkie – and return to the commissioners with a list of proposed projects that support these goals. He suggested that all three providers may be open to a matching fund requirement, and if so they can present such a plan for the commissioners' consideration on August 2.

Following general discussion and upon a motion by Commissioner Bunting, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to allocate ARPA funds of \$1.5 million to fire and EMS, with the fire and ambulance companies to determine where and how to allocate the funds, and to allocate the remaining funds for broadband projects in unserved areas. The commissioners further directed staff to develop a proposal to disperse the funds to be allocated for broadband, to include options for Talkie, Choptank Fiber, and Bay Country Communications to leverage these funds for projects in the County.

Commissioner Bunting expressed alarm regarding a recent letter from the Maryland Department of the Environment (MDE) stating that Worcester County Environmental Programs (WCEP) must immediately discontinue the practice of designing any part of an onsite sewage disposal system, thus stripping the County of its role as the local Approving Authority. As outlined in the letter, the application to install a conventional septic system must contain specifications of the proposed septic system design and be completed by a septic contractor, on-site wastewater professional, or other independent party not affiliated with the Approving Authority. Mr. Young stated that the Maryland Association of Counties (MACo) affiliate is pushing back against this requirement, and County staff will work with their partners to develop options for the commissioners to address this issue.

Commissioner Bertino discussed a petition submitted to the Board of Elections that seeks to add a referendum question to the November 2022 General Election ballot. If added to the ballot, this question would allow voters to decide whether to use bond funds to develop a sports complex in Worcester County. It would not include whether to purchase the Harrison property, located adjacent to Stephen Decatur High School and currently under contract for purchase by the County, for use as a sports complex. In response to questions by Commissioner Bertino, Mr.

Young stated that the County may not use bond funds to purchase the Harrison property because the Capital Improvement Plan states that the property will be purchased with grant funds. He advised that, if the issue goes to referendum, the voters will only be asked to vote for or against using bond funds to design and develop the property.

Following some discussion, a motion by Commissioner Bertino to cancel the contract to purchase the Harrison property for use as a sports complex failed 3-4, with Commissioners Bertino, Bunting, and Elder voting in opposition and Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in opposition.

The commissioners answered questions from the press, after which they adjourned to meet again on August 2, 2022.